

Remarks:

Status of Claims

Claims 1-9, 12-18, and 20-56 were previously pending. By way of this Amendment, claims 27-37, and 42-56 are canceled, claims 1, 14, 21, 24, and 38 are amended, and claims 57-66 are newly added. Thus, claim 1-9, 12-18, 20-26, 38-41, and 57-66 are currently pending. Claims 1-9, 12-18, and 20-26 were allowed by the Examiner in the previous Office action and claims 1, 14, 21 and 24 have been amended herein to correct various minor informalities.

Interview Summary.

On April 14, 2006, Applicant and his attorney held an in-person interview with Examiner Pezzlo at the United States Patent and Trademark Office in Alexandria, VA. The relevance of White (U.S. Patent No. 6,069,890), Baratz (U.S. Patent No. 5,742,596), and Elliott (U.S. Patent No. 5,867,495) was discussed. White, Baratz, and Elliott were located by the Examiner after Applicant's March 6, 2006, Amendment was submitted. No agreement was reached in the April 14, 2006, interview regarding the claims. Applicant respectfully thanks Examiner Pezzlo for agreeing to interview the case.

As requested by the Examiner, Applicant provided a proposed set of claims on April 19, 2006, based upon the comments made by Examiner Pezzlo in the interview. In response to the April 19, 2006, proposed claims, the Examiner located Neel (U.S. Patent No. 6,707,810) and Macmillian (U.S. Patent No. 6,278,707). In an April 20, 2006, telephone discussion with Applicant's attorney, Neel and Macmillian were discussed and Examiner Pezzlo initially agreed that Neel and Macmillian do not disclose or suggest a "customer premise equipment gateway" as is now recited in claims 38-41 and 57-66.

Discussion of Claims 38-41 and 57-66

Claims 38-41 and 57-66 are currently presented are allowable in view of White, Baratz, Elliot, Neel, Macmillian, and all other prior art of record. Claims 38-41 and 57-66 each include the

feature of a "customer premise equipment gateway" generally operable to receive depacketized information from a telephone, packetizing the depacketized information, couple with the Internet without utilizing a private branch exchange (PBX), and provide the packetized data to a switch through the Internet. Support for these features can be found at, among other places, FIG. 1 (gateway 51 and phone 53) and paragraphs 0025, 0031, and 0039.

In the April 14, 2006, interview with Applicant, the Examiner agreed that White and Baratz do not disclose or suggest a gateway that is coupled with the Internet without utilizing a private branch exchange (PBX), as Baratz utilizes special purpose PBXs to provide service to telephones and White does not disclose a gateway locally coupled with a telephone and requires the use of special purpose local exchange carriers (LECs).

Similarly, Elliot does not disclose or suggest these claimed features as Elliot is limited to calling personal computers (PCs) and does not disclose or suggest providing a gateway to enable a conventional telephone to communicate through the Internet (see cols. 82-84). Elliot only suggests PSTN/PC calling as an conjecture (col. 83, lines 52-54) and does not disclose placing a call through the Internet to a device other than a PC. FIG. 19C shows a telephone coupled with a computer, but only in the context of a H323 video-conferencing network and not in the context of the PSTN/PC calling network described at cols. 82-84.

Neel also does not disclose or suggest a customer-premise equipment gateway as recited in claims 38-41 and 57-66. Instead, Neel discloses a telephone 114 that couples with a digital loop carrier (DLC 116) that in turn couples with a data network service provider (DSP 122). The DLC 116 is not operable to perform packetization or depacketization, as the DSP 122 decodes and encodes all signals (col. 10, lines 1-9). Further, the DLC 116 and the DSP 122 are not "customer premise equipment" as they are not located at the same location as the telephone 114 because both the DLC 116 and DSP 112 are parts of a local communications network independent from the customer premise and telephone 114 (col. 6, ll. 22-36; col. 7, ll. 1-29). Further, as is known in the art, digital loop carriers such as the Litespan 2000 (see col. 6, line 31) are intended to provide service to thousands of subscribers and are thus cannot be considered customer premise equipment.

Macmillian also does not disclose or suggest a customer premise equipment gateway as recited in claims 38-41 and 57-66. FIG. 7 of Macmillian discloses a phone 38 coupled with a LEC 16 which is in turn coupled with a network access platform (NAP 36). The NAP 36, and not the phone 34 or LEC 16, packetizes or depacketizes information (col. 9, ll. 55-54). The LEC 16 and the NAP 36 cannot be considered "customer premise equipment" and thus Macmillian does not disclose or suggest all features recited in claims 38-41 and 57-66.

Conclusion

Applicant submits that all pending claims are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this Amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

BY: 

Sam M. Korte, Reg. No. 56,557
2405 Grand Blvd., Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT